United Nations A/C.3/61/SR.20

General Assembly
Sixty-first session

Official Records

Distr.: General
14 November 2006

Original: English

Third Committee

Summary record of the 20th meeting
Held at Headquarters, New York, on Tuesday, 17 October 2006, at 3 p.m.

Chairman: Mr. Al Bayati ..... (Iraq)

Contents

Agenda item 61 (a): Advancement of women (*continued*)

Agenda item 63 (a): Promotion and protection of the rights of children (*continued*)

Agenda item 67: Human rights questions

(a) Implementation of human rights instruments

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

06-57484 (E)

The meeting was called to order at 3.15 p.m.

1. **Mr. Khane** (Secretary of the Committee) gave a presentation in which he demonstrated new technology enabling delegations to cosponsor draft resolutions electronically on the website QuickPlace. The new technology made it possible to view a list of all the sponsors of a given draft resolution. Also, if a delegation sponsored a draft resolution on behalf of a group of countries, it was possible to type in, for example, "on behalf of the Group of 77 and China".

Agenda item 61 (a): Advancement of women (*continued*)

Draft resolution A/C.3/61/L.10: Intensification of efforts to eliminate all forms of violence against women

2. **Ms. Samson** (Netherlands), introducing the draft resolution also on behalf of France, said that the following countries had become sponsors: Chile, Costa Rica, Fiji, Georgia, Germany, Greece, Hungary, Latvia, Luxembourg, Morocco, New Zealand, Slovakia, Switzerland and the United Kingdom. The in-depth study on violence against women (A/61/122/Add.1), presented the previous week, had shown that violence against women persisted in all regions of the world, hampering progress on human rights. The study should lead to national action plans, with United Nations bodies providing assistance to States in implementing them.

3. **Mr. Khane** (Secretary of the Committee) announced that Lebanon, Madagascar, Mozambique, Peru, Slovenia and Sweden had also become sponsors.

Agenda item 63 (a): Promotion and protection of the rights of children (*continued*)

Draft resolution A/C.3/61/L.12: The situation of the Lebanese children

4. **Mr. Khane** (Secretary of the Committee) said that the draft resolution had been cosponsored by the States Members of the United Nations that were members of the Group of Arab States. That would be reflected in a footnote.

5. **Mr. Amoros Núñez** (Cuba), introducing the draft resolution on behalf of the sponsors, said that Lebanese children had once again been victims of Israeli aggression, which had resulted in over 1,100 civilian deaths, one third of them children. Many other children had been wounded or permanently disabled and thousands were living in unsanitary refugee camps. Schools and health centres in southern Lebanon had been destroyed. The greatest threat to children, however, was unexploded ordnance.

Agenda item 67: Human rights questions (A/61/36, 97, 220 and 280)

(a) Implementation of human rights instruments (A/61/40 (vols. I and II), A/61/44, 48, 226, 259, 279, 351, 354, and 385)

6. **Mr. Mokhiber** (Officer-in-Charge of the New York Office of the High Commissioner for Human Rights), introducing the annual report of the Human Rights Committee (A/61/40 (vols. I and II)), said that the Human Rights Committee had considered nine periodic reports and one country situation in the absence of a State party report. Under its individual complaints procedure, it had adopted 48 views on communications, declaring eight communications admissible and 25 inadmissible, and discontinued its consideration of 27 communications. A total of 71 communications had been registered and a total of 275 communications were pending.

7. Introducing the annual report of the Committee against Torture (A/61/44), he said that the Committee had considered the reports of 14 States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and had taken decisions on 14 individual complaints. The Secretary-General's report on the status of the Convention (A/60/279) indicated that 141 States had acceded to the Convention and 22 had ratified its Optional Protocol. Since the submission of that report, five more States had acceded to the Optional Protocol, which had entered into force on 22 June 2006.

8. The report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/61/226) provided information on the recommendations adopted by the Fund's Board of Trustees at its twenty-fifth session, at which the funding cycle had been changed, as recommended by the Office of Internal Oversight Services (OIOS). The report provided information on other OIOS recommendations and the steps taken by the Board and the Secretariat to implement them, in particular the recommendation calling for greater geographical

balance in grant allocation and a proactive approach by the Secretariat in identifying potential grantees. The Board had requested the Secretariat to renew its efforts to attract suitable applications from organizations working in both Africa and Asia, as well as in emerging democratic States, particularly the Commonwealth of Independent States. It had also set aside $250,000 to finance projects in the priority regions identified by the field presences of the Office of the High Commissioner for Human Rights (OHCHR). To strengthen the Board's policymaking role, it had been decided to hold two sessions a year starting in 2007, one to discuss policy issues, including fund-raising, and one to consider applications and recommendations for grants.

9. The forthcoming report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery would contain an overview of the Fund's financial status and activities. The Fund's Board of Trustees had recommended that a global review of the Fund should be undertaken, the results of which would be transmitted to the General Assembly at its sixty-second session.

10. Turning to the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/61/48), he said that the Committee had organized a day of general discussion on the human rights of migrants and development in order to prepare its written contribution to the High-Level Dialogue of the General Assembly on International Migration and Development. The Committee had considered the initial report of Mali, the first report submitted by a State party, and would consider the initial report of Mexico at its next session. It was requesting General Assembly approval of its request to hold two one-week sessions in 2007.

11. The report of the chairpersons of human rights treaty bodies on their eighteenth meeting (A/61/385) indicated that the chairpersons had discussed the harmonization of working methods and the reform of the treaty body system and had considered a Secretariat concept paper on a unified standing treaty body and proposals put forward by the respective committees. An updated version of the comparative analysis of the working methods of the seven treaty bodies had been presented to the fifth inter-committee meeting of those bodies. The meeting of chairpersons had accepted revised draft harmonized guidelines for treaty reporting, including guidelines on a common core document and treaty-specific documents. Since several States parties had begun to report under those guidelines, it had been recommended that the treaty bodies should begin applying the revised guidelines immediately, review their existing reporting guidelines and compile information on difficulties experienced in implementing them. The establishment of an inter-committee mechanism to keep the guidelines under review had also been suggested.

12. The report also contained a summary of a meeting between the chairpersons and the High Commissioner for Human Rights, at which the High Commissioner had explained that her proposal for a unified standing treaty body had been put forward in the context of the Secretary-General's invitation to take a progressive view of reform of the United Nations in general and human rights in particular and that she expected a range of views to be put forward and anticipated a robust but respectful debate. She had also indicated that she viewed the Human Rights Council's universal periodic review mechanism as a framework within which universal ratification would be encouraged.

13. **Mr. Wenaweser** (Liechtenstein) said that while the human rights treaty monitoring system was one of the success stories of United Nations activities in the field of human rights, the quality of treaty body membership varied and should be improved. Reporting requirements also placed a huge burden on States, especially small countries, and non-reporting was more often attributable to lack of resources than to lack of political will.

14. His Government and OHCHR had organized a meeting on treaty body reform in 2006 which had concluded that there was currently very little support for the creation of a unified standing treaty body. Accordingly, discussions should focus on other measures that were politically feasible and simple to implement, such as amendments to the human rights treaties. Practical measures were needed to address current shortcomings and no single proposal could solve all the problems facing the system. One option for reducing the reporting burden on Member States might be to merge the two Committees established under the International Human Rights Covenants.

15. **Mr. Takase** (Japan) welcomed the Human Rights Council's adoption of the International Convention for

the Protection of All Persons from Enforced Disappearance and the consensus reached on the text of the Convention on the Rights of Persons with Disabilities and its optional protocol. His delegation hoped that the two conventions would be adopted by the General Assembly at its current session.

16. While his delegation welcomed those developments, there was a risk that the addition of two new human rights treaties would aggravate the problem of overdue reports and non-submission of reports, further impairing the functioning of treaty bodies, and increase duplication of work. Moreover, the total membership of treaty bodies would increase as would their total annual session time. The increased financial burden would require efforts to enhance the efficiency of the treaty body system. In that context, the High Commissioner's proposal for a unified standing treaty body warranted careful examination, but several issues needed to be discussed in greater detail, such as new working methods, the qualifications of expert members and cost performance.

17. At the same time, it was urgent that States parties make efforts to streamline their reports. His delegation was not fully satisfied with the outcome of the discussion on harmonized reporting guidelines. Some guidelines, such as those relating to the classification of common core documents and treaty-specific documents, needed to be clarified. Member States should therefore continue their attempts to increase the precision and efficiency of their reporting, while using the harmonized guidelines as a reference. State parties should also share their views and information on good reporting practices, while the existing treaty bodies should strive to make States parties' work easier, especially by unifying their working methods.

18. **Mr. Abdullaev** (Uzbekistan) said that his Government was working to bring its domestic legislation into line with the international human rights treaties to which it was a party. It reported regularly to the United Nations treaty bodies and was implementing national action plans based on their recommendations. It had also established national human rights machinery based on the Vienna Declaration and Programme of Action, including a Constitutional Court, a parliamentary Ombudsman and a National Centre for Human Rights. It had liberalized its judicial and legal systems and guaranteed the independence of the judiciary and had established a national programme to enhance a culture of law and educate the population in human rights.

19. His Government had enacted a variety of laws to establish a firm legal basis for the activities of non-governmental organizations in Uzbekistan. In the past 12 years, the number of such organizations operating in Uzbekistan had more than doubled. The Uzbekistan Bar Association, among others, had helped increase citizens' participation in civic life and their awareness of their rights. His Government would continue to pursue fundamental democratic reform in the area of human rights protection.

20. **Mr. Liu** Zhenmin (China) said that China was a party to many international human rights instruments and was currently studying ratification of the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. His Government had always been conscientious in fulfilling its reporting obligations under the international human rights instruments to which it was a party. It also maintained a dialogue with the relevant human rights treaty bodies. It had assisted the Hong Kong and Macao Special Administrative Regions in fulfilling their treaty obligations and included reports from those regions in its national reports.

21. His delegation believed that the current reporting system was too complex, however, and imposed an excessive burden on countries, especially developing countries. It had also resulted in duplication of work among the various treaty bodies. He noted the recommendations for addressing that situation contained in the Secretary-General's report on the strengthening of the United Nations (A/57/387) and put forward at the meetings of chairpersons of human rights treaty bodies and the inter-committee meetings. OHCHR, for its part, had put forward the idea of a unified standing treaty body. Reform of the human rights treaty bodies involved many complex legal issues and would require extensive consultations with Member States to find a solution on which there was broad consensus. Any reform initiative should aim to simplify the reporting process, enhance efficiency and save resources and his delegation was ready to participate actively in the relevant consultations.

22. The consideration of States parties' reports by the various treaty bodies was a process of dialogue and

exchanges conducted on an equal footing. Those bodies' concluding observations and recommendations provided important guidance for States parties and should therefore reflect the reality of individual States. The treaty bodies should work objectively and fairly and avoid being used by groups or individuals for political ends. Accordingly, they should treat information from outside sources with caution and avoid criticizing governments on the basis of unsubstantiated claims.

23. **Mr. Cho** Yun (Republic of Korea) said that the meetings of chairpersons of human rights treaty bodies and the inter-committee meetings had become key forums for discussing more efficient and results-oriented implementation and monitoring of global human rights norms. With the creation of the Human Rights Council and the ongoing discussions on the universal periodic review (UPR), a new era in the protection and promotion of human rights was about to begin. The main challenge was to implement international human rights instruments efficiently at the domestic and global levels while maximizing synergy and continuing discussions on reform of the United Nations human rights machinery.

24. With eight distinct human rights treaty bodies, 115 treaty body experts and a growing number of treaties and ratifications, the workload of the treaty bodies and the Secretariat had increased dramatically, leading to inefficiency, duplication of work and conflicting priorities. What was required was to harmonize and coordinate the procedures of the various treaty bodies, as proposed by the Secretary-General in his report "In larger freedom: towards development, security and human rights for all" (A/59/2005) and as outlined more recently in the OHCHR Plan of Action, which proposed the creation of a unified standing treaty body.

25. While some delegations saw such a body as a means of streamlining the various implementation mechanisms, others were concerned about a possible loss of specificity, especially with regard to more vulnerable groups. His delegation felt that it could be an alternative to the existing complicated system, but that discussions on the subject should be given sufficient time for the various views expressed by Member States to be harmonized. A way must be found to maintain the advantages of a unified system without sacrificing specificity and to address the legal issues associated with restructuring into a unified entity. The discussions should be developed in parallel with those on the UPR, since the treaty bodies' concluding observations would be the review's main component.

26. It was also important to continue to focus on addressing the problems of duplication, backlogs, non-reporting, lack of follow-up to recommendations and treaty body visibility under the current legal framework. All those problems called for a more cooperative attitude and political will on the part of Member States and enhanced visibility of the treaty bodies.

27. **Ms. Blum** (Colombia) said that her country was firmly committed to complying with the international human rights instruments to which it was a party and fulfilled its treaty body obligations. For the part 10 years, it had been open to international human rights supervision through the country presence of OHCHR. Human rights were a priority issue for her Government, whose national development plan contained clear mandates for progress in that area and important policy guidelines based on the recommendations of United Nations agencies and treaty bodies.

28. Through its democratic security policy, her Government had reversed the trend towards increasing violations of human rights and fundamental freedoms. Between 2002 and 2005, there had been a marked reduction in cases of homicide, kidnapping, forced displacement, attacks on civilians and terrorist acts, as well as in complaints against the public security forces, even though military operations had increased. Further improvements in 2006 had had a positive impact on the exercise of human rights.

29. Over the past four years, 31,700 members of illegally armed self-defence groups had been demobilized collectively and 10,500 members of illegally armed groups had demobilized individually under the Justice and Peace Act adopted by the Congress. The Act was not just a "pardon and forgiveness law", as some had described it but an instrument to facilitate peace processes with illegal armed groups, reintegrate their members and guarantee the rights of victims to truth, justice and reparation. A National Reparation and Reconciliation Commission had been set up under the Act, comprising representatives of the Government, civil society, autonomous government bodies and victims. Its mission was to establish the historical truth in order to

avoid a repetition of violence and to coordinate activities for the care and compensation of victims of violence.

30. In terms of political rights, democracy was expressed through popular referendums, civic participation and elections at all levels, in which leaders of very diverse political tendencies had been elected to government and other posts. The progress achieved in terms of economic investment and development and reduction of poverty and unemployment had made the country better equipped to meet the challenges of the Millennium Declaration, especially with regard to economic and social rights.

31. With regard to treaty body reform, it was important to avoid the excessive proliferation of mechanisms and to move towards a framework of synergy, rationalization and coordination, while developing national capacity, a cooperative dialogue with States and a transparent periodic review mechanism.

32. **Mr. Kerr** (Australia), speaking also on behalf of Canada and New Zealand, reaffirmed their commitment to renewal and reform of the human rights treaty body system. He welcomed the publication of harmonized reporting guidelines, including guidelines on a common core document and treaty-specific documents, which would help States streamline their reporting procedures, and commended the various committees for testing new approaches to their work, including initiatives to expedite the timely consideration of States' reports through the use of dual chambers. Given the important role of civil society, further work should be done to develop harmonized working methods for the exchange of information between the committees and non-governmental organizations and national human rights institutions.

33. The degree of overlapping in the work of the various committees and the backlog of States' reports remained cause for concern. While the Human Rights Council's universal periodic review mechanism provided an opportunity to improve States' implementation of human rights obligations, it should complement, but not duplicate, the existing treaty body system. He welcomed the High Commissioner's work with States and civil society to streamline the treaty body system and her innovative approach to exploring reform options, including her proposal for a unified standing treaty body. He also appreciated her continuing initiatives to strengthen the OHCHR field presence. Increased country engagement would greatly enhance her Office's capacity to support stakeholders in participating in the reporting process and in providing accurate, relevant information to committees.

34. **Mr. Hemayetuddin** (Bangladesh) said that human rights should be addressed through an integrated, holistic approach. Civil and political rights and economic, cultural and social rights, including the right to development, were equally important and were interdependent and mutually reinforcing. His Government was fully committed to the promotion and protection of the human rights of all its citizens without discrimination and to building a society free from exploitation in which all citizens were equal before the law.

35. Bangladesh was a party to all of the major international human rights instruments and had made every effort to ensure their effective and timely implementation. His Government accorded the highest priority to the empowerment of women and to the promotion and protection of women's and children's rights at the national and regional levels. Civil society and non-governmental organizations cooperated with the Government to empower women through microcredit and non-formal education schemes. National human rights machinery had also been established and steps were being taken to separate the judiciary from the executive branch and to establish an independent public prosecution service.

36. Bangladesh would continue to play an active role in the promotion of human rights and peace through its membership in the Human Rights Council and the Peacebuilding Commission. It welcomed the finalization of the Convention on the Rights of Persons with Disabilities.

37. Poverty posed daunting challenges to the exercise of human rights and led to inequality and discrimination. The granting of the 2006 Nobel Peace Prize to Muhammad Yunus of Bangladesh and to the Grameen Bank that he had founded underscored the link between poverty alleviation and peace. Although Bangladesh faced many challenges and constraints, it would continue to struggle to create an enabling environment for the promotion and protection of all human rights and fundamental freedoms by adhering to cross-cutting best practices and democratic principles.

38. **Mr. Hatem** (Iraq) said that his Government was reviewing its domestic legislation to make sure that it was in line with the Iraqi Constitution's commitment to human rights and with international and regional human rights instruments to which Iraq was a party. Numerous human rights-related laws had been introduced after the fall of the previous regime. A recommendation had been made to the Iraqi Parliament in favour of accession to the two Optional Protocols to the Convention on the Rights of the Child. He reiterated Iraq's need for international support during its period of rebuilding.

39. **Mr. Buff** (International Committee of the Red Cross (ICRC)) welcomed the entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment, which provided for a crucial and comprehensive system of regular visits to persons deprived of their liberty. While States were entitled to detain people on a number of grounds, including security-related reasons, they also had an obligation under international humanitarian and human rights law to treat persons deprived of their liberty humanely. Such law prohibited the use of torture and any form of cruel, inhuman or degrading treatment or punishment, which could not be legally or morally justified in any circumstances.

40. Compliance with the total prohibition of any form of ill-treatment depended on the existence of an environment conducive to respect for the rule of law and human dignity. Such an environment, in turn, required the necessary political will in the form of appropriate national laws and policies, internal control and review mechanisms, education and training programmes for civilian and military personnel involved in law enforcement and the interrogation and treatment of detainees and assistance and compensation for victims of torture as well as adequate openness to scrutiny, which was crucial for preventing and eliminating ill-treatment.

41. With more organizations and bodies visiting places of detention, the challenge in the coming years would be to ensure coherence among them all. Particular emphasis must be placed on avoiding duplication of effort, excluding contradictory recommendations or references to different standards and establishing a minimum level of coordination.

The meeting rose at 5.05 p.m.